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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 CHARLES LINDEN and RONALD
8 LANDER,

9 Plaintiffs,

10 v.

11 X2 BIOSYSTEMS, INC., *et al.*,

12 Defendants.

Case No. C17-0966 RSM

ORDER GRANTING MOTION FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT AND DENYING MOTION
TO DISMISS AS MOOT

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14 THIS MATTER comes before the Court on Plaintiffs' Motion for Leave to File Second
15 Amended Complaint (Dkt. #93) and Defendants' Motion to Dismiss Plaintiff's Amended
16 Complaint (Dkt. #84). The case raises allegations of breach of contract and willful deprivation
17 of wages in violation of RCW 49.52.050 and RCW 49.52.070. Dkt. #71. Plaintiffs now seek to
18 amend their complaint based on newly-acquired evidence. Dkt. #93. Defendants oppose such
19 amendment, arguing that Plaintiffs are simply attempting to get around this Court's prior Order
20 denying reconsideration of its Order on Defendant's motion for judgment on the pleadings, and
21 that Plaintiffs previously had such evidence in their possession in any event. Dkt. #98.
22 Defendants then argue that Plaintiff's Amended Complaint should be dismissed for improperly
23 raising claims that have already been dismissed, and for failure to state a claim upon which relief
24 may be granted. Dkt. #84.
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1 The Court has reviewed both motions, the oppositions thereto and replies in support
2 thereof, along with the attached Declarations and Exhibits and the remainder of the record, and
3 hereby finds and ORDERS:

- 4 1. For the reasons set forth by Plaintiffs in their motion to amend, the Court finds good
5 cause to amend its Scheduling Order and therefore allows Plaintiffs to file a Second
6 Amended Complaint. **No later than seven (7) days from the date of this Order,**
7 Plaintiffs shall file their Second Amended Complaint as set forth in their motion.
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9 2. Plaintiffs' Second Amended Complaint will supersede the current Amended
10 Complaint in its entirety. Accordingly, Defendants' Motion to Dismiss the Amended
11 Complaint is DENIED AS MOOT.
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13 3. Nothing in this Order precludes Defendants from moving to dismiss the Second
14 Amended Complaint should they believe such action is warranted and legally
15 supported.
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17 4. The parties shall submit a Joint Status Report **no later than fourteen (14) days from**
18 **the date of this Order** with a proposed trial date and proposals for remaining pretrial
19 deadlines.

20 DATED this 23rd day of August 2018.

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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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